
From: Fail, Garrett [<mailto:Garrett.Fail@weil.com>]
Sent: Friday, February 21, 2014 5:03 PM
To: Vasser, Shmuel
Cc: Brilliant, Allan
Subject: Re: Lehman-Stonehill

Shmuel,

Although we are under no obligation to advise you in advance as to what authorities we may cite in any reply, as an accommodation to you and in response to your request, we may rely, without limitation, on some or all of the following:

- 11 U.S.C. §§ 105(a), 502(c), 1123(a)(4), and 1142(b);
- Fed. R. Bankr. P. 9014; and
- the case law cited in support of the following orders/decisions, which are law of the case;
 - o Order Authorizing Use Of Non-Cash Assets In Lieu Of Available Cash As Reserves For Disputed Claims Pursuant To Section 8.4 Of The Debtors' Confirmed Joint Chapter 11 Plan [ECF No. 25641];
 - o Order Denying Objection To Motion Of Lehman Brothers Holdings Inc. For Authority To Use Non-Cash Assets In Lieu Of Available Cash As Reserves For Disputed Claims Pursuant To Section 8.4 Of The Debtors' Confirmed Joint Chapter 11 Plan [ECF No. 27196];
 - o Order Granting Motion Of Lehman Brothers Holdings Inc. And Lehman Brothers Special Financing, Inc. To Estimate Claims Filed By Citadel Equity Fund Ltd. For Purposes Of Establishing Reserves [ECF No. 27112]; and
 - o *In re Lehman Brothers Holdings Inc.*, Case No. 08-13555 (JMP), Tr. of Jan. 26, 2012 Hr'g, at 16:22 – 17:11.

Of course, until we have had the opportunity to review any response you may file, we cannot anticipate everything we might argue or rely upon. All of the Plan Administrator's rights are reserved.

Garrett

On Feb 21, 2014, at 11:22 AM, "Vasser, Shmuel" <shmuel.vasser@dechert.com> wrote:

Dear Garrett, section 8.4 of the Plan includes language that you deleted when citing the section in your motion. The full portion of paragraph 8.4(b) reads: "*the amount determined, to the extent permitted by the Bankruptcy Code and Bankruptcy Rules*, by the Bankruptcy Court for purposes of fixing the amount to be retained for such Disputed Claim" (emphasis added). The emphasized language has been omitted by you from the motion.

We are not aware of any Bankruptcy Code section or Bankruptcy Rule that permits the relief you are seeking. We hereby request that you provide us by the end of business today the Code section, Rule and any case law you intend to rely on in support of your motion. As you are aware, we should be able to fully respond to your motion, rather than discover it's legal basis and supporting authorities in your reply, to which we are not allowed to respond.

Your failure to respond as requested herein, will result in us seeking to strike any basis of your motion to be contained in a reply that is not asserted in your motion or otherwise provided to us as requested herein. Best,

Shmuel Vasser
Dechert LLP
1095 Avenue of the Americas
New York, New York 10036
Direct 212.698.3691
Mobile 914.806.3012
Direct Fax 212.698.0418
www.dechert.com

This e-mail is from Dechert LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.